

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

WEDNESDAY, THE 17TH OCTOBER 2007 / 25TH ASWINA 1929

Con.Case(C).No. 1166 of 2004(S)

AGAINST THE JUDGEMENT/ORDER IN OP.31502/2000 Dated 27/04/2004
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PETITIONER:

**MAJOR GENERAL K.A.S. RAJA,
P.V.S.M., (RETD.), S/O. LATE K.S. ALAGA RAJA,
CONGEYA, SRIRENGAPALAYAM, RAJAPALAYAM,
VIRUDHUNAGAR DISTRICT, TAMIL NADU.**

**BY ADV. SRI.T.SETHUMADHAVAN
SRI.PUSHPARAJAN KODOTH
SRI.K.JAYESH MOHANKUMAR**

RESPONDENTS:

- 1. SASIDHARA, I.A.S., (FATHER'S NAME AND
AGE NOT KNOWN) DISTRICT COLLECTOR, IDUKKI.**
- 2. M.K. RAVINDRAN, (FATHER'S NAME AND
AGE NOT KNOWN) SUB COLLECTOR,
DEVIKULAM, IDUKKI DISTRICT.**

BY SPECIAL GOVERNMENT PLEADER SHRI M.P. PRAKASH

**THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY
HEARD ON 17/10/2007, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:**

K. PADMANABHAN NAIR ,J.

Cont. Case (C) No.1166 of 2004

Dated, this the 24th day of September, 2007

ORDER

State of Kerala represented by Chief Secretary, Thiruvananthapuram and Secretary to Forest Department, Thiruvananthapuram are suo motu impleaded as additional respondents 3 and 4 in this case. Though there is no direction in the judgment either to the additional third and fourth respondents, in view of the gravity of the matter I am impleading them also in the party array.

2. Petitioner had claimed compensation for unregistered land. As per the detailed calculation statement an amount of Rs.26,06,364/- was fixed as compensation due to the petitioner. Now the second respondent Revenue Divisional Officer, Devikulam by his letter No.B4-3867/90 dated 29.9.2004 has requested the Deputy Director (P.T.), Office of the Deputy Director of Periyar Tiger Reserve, Thekkady to make available an amount of Rs.89 lakhs for paying the amount due to the petitioner. The calculation statement given by the second respondent shows that as on 15.9.2004 more than Rs.60 lakhs is payable by way of interest alone. In addition to that amount interest for three more years have now accrued. In spite of the various directions issued by this Court this amount is not yet paid. I do not think that any useful purpose will be served by sending the District Collector, Idukki and Sub Collector, Devikulam to jail for disobeying the orders of this Court. It is seen that in a large number of Land Acquisition Cases

the State is paying interest at the rate of 15% per annum and in a large number of cases decrees are yet to be satisfied. It is reported by the Land Acquisition Officers that in Kallada Irrigation Project Section 28A applications filed from the year 1987 onwards are still pending. In all these cases without any valid reasons the tax payers' money is wasted by way of payment of interest. It will seriously affect the economy of the State. So I am of the view that unless State Government takes sincere efforts to clear off the money due to the claimants under orders and decrees passed by various courts and also to Section 28A claimants some stringent actions are to be initiated against the Government. The Government has not fixed any time limit for disposing of Section 28A applications. If the applications are kept pending without any valid reasons, I am of the view that instead of compelling the common-men to bear the burden of payment of interest, such amounts are to be recovered from the officers responsible for the delay. I have already informed the Government that unless the Government takes steps to clear off the amounts due to various claimants this Court will be constrained to restrain the Land Acquisition Officers from initiating/proceeding with land acquisition proceedings so as to increase the common-men's burden further. So as a last chance I am giving time till 8.10.2007 to pay the amount due to the petitioner. If the amount is not paid as directed above, this Court will be compelled to take drastic action against the concerned authorities in this case.

Cont.Case(C)No.1166/2004

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Post on 9.10.2007.

Communicate copies of the order to the Chief Secretary and Secretary to Forest and also handover copies of the same to Shri M.P.Prakash, Senior Government Pleader (Forest) and to counsel appearing for the petitioner.

**K. PADMANABHAN NAIR,
JUDGE.**

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